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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/256,192	02/24/1999	MICHIYUKI YASUDA	2165.6	9534

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EXAMINER

NGUYEN, KEVIN M

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/256,192

Applicant(s)

YASUDA, MICHYUKI

Examiner

Kevin M. Nguyen

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. The request for reconsideration filed on 12/31/2002 is entered. The rejections of claims 9-14 are maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasaki et al (US 5,972,493) in view of Taketa et al (US 6,200,680).
4. As to claim 9, Iwasaki et al reviews a magnetic display system which are well known (col. 1, line 11) and includes honeycomb shape on supporting plate, injects liquid (dispersion medium) having a white pigments (col. 5, lines 1-8) and magnetic powder (black magnetic particle as claimed, col. 4, lines 43-45) therein in the honeycombs and laminates and seals a transparent sheet on it to finish it. The image can be formed by attracting the magnetic powder in the honeycombs to the back surface and to make the surface white. While making contact using a permanent magnetic pen with the surface of the magnetic display, the magnetic powder in the contact part moves to the surface and image appears (col. 1, lines 23-35). Since Iwasaki et al teach other material that have strength enough to protect top layer of the microcapsules 23 may be used (col. 5, lines 59-64), but Iwasaki et al fails to teach an upper-transparent flat-sheet member having luster sheet selected from iridescent luster. However, Takeda et al discloses fine

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particles of mica coated with a titanium oxide thin film (iridescent luster and hologram appearance as claimed, col. 4, lines 13-14 and col. 3, lines 43-46) which coat for touch panel display (col. 3, line 54). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the coated titanium oxide mica TiO_2 taught by Takeda et al in Iwasaki et al's magnetic display system because this would decorate image with color and protective the surface of the magnetic display device.

5. As to claim 10, Iwasaki et al reviews a magnetic display system which are well known (col. 1, line 11) and includes honeycomb shape on supporting plate, injects liquid (dispersion medium) having a white pigments (col. 5, lines 1-8) and magnetic powder (black magnetic particle as claimed, col. 4, lines 43-45) therein in the honeycombs and laminates and seals a transparent sheet on it to finish it. The image can be formed by attracting the magnetic powder in the honeycombs to the back surface and to make the surface white. While making contact using a permanent magnetic pen with the surface of the magnetic display, the magnetic powder in the contact part moves to the surface and image appears (col. 1, lines 23-35). Iwasaki et al teaches microcapsules 1 enclosing magnetic powder 3 that are dispersed in dispersion medium 5 in a capsule membrane 2 (col. 10, lines 5-7). One skill in the art to recognize that Iwasaki et al teaches to add microcapsules in the magnetic display sheet because this would record words or pictures in a high degree of clarity and with high record speed under a weak magnetic force lower than 1100 gauss (col. 2, lines 18-20). Since Iwasaki et al teaches other material that have strength enough to protect the top layer of microcapsules 23

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may be used (col. 5, lines 59-64), but Iwasaki et al fails to teach an upper-transparent flat-sheet member having luster sheet selected from iridescent luster. However, Takeda et al discloses additionally fine particles of mica coated with a titanium oxide thin film (iridescent luster and hologram appearance as claimed, col. 4, lines 13-14 and col. 3, lines 43-46) which coat for touch panel display (col. 3, line 54). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the coated titanium oxide mica TiO_2 taught by Takeda et al in Iwasaki et al's magnetic display system because this would decorate image with color and protective the surface of the magnetic display device.

As to claim 11, Iwasaki et al teaches a microcapsules paint layer 23 forming between a PET film 21 and a layer 24 (figure 4, col. 11, lines 10-14).

As to claim 12-14, since Takeda et al discloses fine particles of mica coated with a titanium oxide thin film (iridescent luster and hologram appearance as claimed, col. 4, lines 13-14 and col. 3, lines 43-46) which coat for touch panel display (col. 3, line 54). One skill in the art to recognize that Takeda et al teaches a upper transparent flat sheet member comprising ... iridescent and hologram appearance because this technique (hologram) was applicably generally to touch panels liquid crystal display device (col. 3, lines 55-59) see surface hologram structure of Mallik (US 4,921,319).

6. Claims 9-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasaki et al (US 5,972,493) in view of Mallik (US 4,921,319).

7. As to claims 9-14, Iwasaki et al reviews a magnetic display system which are well known (col. 1, line 11) and includes honeycomb shape on supporting plate, injects liquid

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(dispersion medium) having a white pigments (col. 5, lines 1-8) and magnetic powder (black magnetic particle as claimed, col. 4, lines 43-45) therein in the honeycombs and laminates and seals a transparent sheet on it to finish it. The image can be formed by attracting the magnetic powder in the honeycombs to the back surface and to make the surface white. While making contact using a permanent magnetic pen with the surface of the magnetic display, the magnetic powder in the contact part moves to the surface and image appears (col. 1, lines 23-35). Iwasaki et al teaches microcapsules 1 enclosing magnetic powder 3 that are dispersed in dispersion medium 5 in a capsule membrane 2 (col. 10, lines 5-7). One skill in the art to recognize that Iwasaki et al teaches to add microcapsules in the magnetic display sheet because this would record words or pictures in a high degree of clarity and with high record speed under a weak magnetic force lower than 1100 gauss (col. 2, lines 18-20). Since Iwasaki et al teach other material that have strength enough to protect the top layer of microcapsules 23 may be used (col. 5, lines 59-64), but Iwasaki et al fails to teach an upper-transparent flat-sheet member having luster sheet selected from iridescent luster. However, Mallik discloses additionally hologram 11 coated on the touch surface 21 of the substrate sheet 15 (iridescent luster and hologram appearance as claimed, col. 5, lines 36-44). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize hologram 11 taught by Mallik in Iwasaki et al's magnetic display system because this would decorate image with color and protective the surface of the magnetic display device (col. 2, lines 35-40 of Mallik).

Response to Arguments

8. Applicant's arguments filed 12/31/2002 have been fully considered but they are not persuasive.

9. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In response to applicant's argument that claims 9 and 10 recite "a magnetic display device, comprising an upper transparent flat-sheet member having luster selected from iridescent luster, iridescence and hologram appearance." This argument is not persuasive because Iwasaki et al's invention teach "a conventional magnetic display device (see column 1, line 11)," Takeda et al's invention teach "a fine particles of mica coated with a titanium oxide thin film (iridescent luster and hologram appearance as claimed, col. 4, lines 13-14 and col. 3, lines 43-46) which coat for touch panel display (col. 3, line 54)," and Mallik's invention teaches "an additionally hologram 11 coated on the touch surface 21 of the substrate sheet 15 (iridescent luster and hologram appearance as claimed, col. 5, lines 36-44)." These arguments are not persuasive because both Takeda et al and Mallik clearly teach the touch panel display and the touch surface obviates the magnetic display device that are being touched.

For these reasons, the rejections based on Iwasaki et al, Takeda et al and Mallik have been maintained.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kevin M. Nguyen** whose telephone number is **703-305-6209**. The examiner can normally be reached on MON-THU from 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reached on **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Kevin M. Nguyen
Examiner
Art Unit 2674



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600